

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

HB 121 - SB 60

March 2, 2009

SUMMARY OF BILL: Requires a driver of a vehicle involved in an accident resulting in death or injury to be tested to determine alcohol or drug content of blood if a law enforcement officer has probable cause to believe that the driver has committed DUI, vehicular assault, vehicular homicide or aggravated vehicular homicide.

ESTIMATED FISCAL IMPACT:

On February 3, 2009, we issued a fiscal note indicating an *increase in state expenditures of \$408,200/Incarceration; an increase in local revenue – not significant; and an increase in local expenditures – not significant*. Based on further review and additional information provided by the Department of Correction (DOC), the fiscal impact of the bill is as follows:

(CORRECTED)

Increase State Expenditures - \$371,000/ Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- According to DOC, there has been an average of 37 admissions for vehicular assault offenses in each of the past 10 years. DOC estimates a 15 percent (6) increase in the number of admissions for vehicular assault offenses as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth would result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on seven additional offenders in the tenth year as a result of this bill.
- According to DOC, the average post-conviction time served for a Class D felony is 2.43 years. Seven additional offenders will serve 2.43 years (886.22 days) for vehicular assault. According to DOC, the average

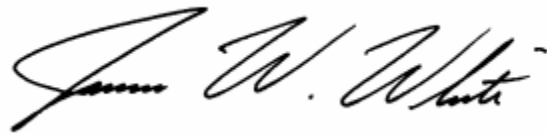
operating cost per offender per day for calendar year 2009 is \$59.80. The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). The total additional operating cost for seven offenders is \$370,971.72 (\$52,995.96 x 7).

- There will not be a sufficient increase in the number of prosecutions relating to DUI convictions for local governments to experience any significant increase in revenue or expenditures.
- Most persons involved in accidents resulting in death are currently compelled to be tested for alcohol or drug content of blood.
- Since this bill is not lengthening the sentence or increasing the penalty for an existing offense, no recidivism discount has been included.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc